

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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DAVID McCANN, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

THE GAP, INC. d/b/a OLD NAVY,

Defendant.

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**ELECTRONICALLY FILED**

Civil Action No. 1:22-cv-00931-WSS

Judge William S. Stickman

**STIPULATION FOR DISMISSAL**

Plaintiff David McCann and Defendant The Gap, Inc. d/b/a Old Navy, by and through their undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), hereby stipulate that:

1. The class allegations asserted in Plaintiff's Nationwide Class Action Complaint shall be DISMISSED without prejudice;

2. No motion for class certification has been filed, and no class has been certified in this action. Therefore, class notice and court approval of this dismissal are not required under the Federal Rules;

3. Plaintiff's claim against Defendant that is asserted in Plaintiff's individual capacity, rather than representative capacity, of a violation of Title III of the Americans with Disabilities Act, shall remain and shall in no way be affected by this stipulation of dismissal; and

4. Each party shall bear their own costs and fees, including attorneys' fees, incurred in connection with the class allegations dismissed by this stipulation.

Dated: September 9, 2022

**STIPULATED AND AGREED:**

s/ R. Bruce Carlson

R. Bruce Carlson (PA ID No. 56657)

Ian M. Brown

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*The Gap, Inc. d/b/a Old Navy*